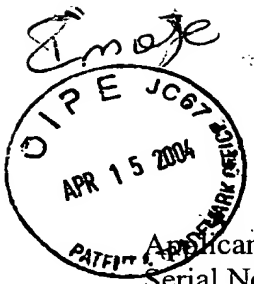


04-19-04

1636

Attorney's Docket No.: 24601-416B  
(17084-018002)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : De Jong, *et al.*  
Serial No. : 09/815,981  
Filed : March 22, 2001  
Cust. No. : 20985  
Title : METHODS FOR DELIVERING NUCLEIC ACID MOLECULES INTO  
CELLS AND ASSESSMENT THEREOF

Art Unit : 1636  
Examiner : Sullivan, D.M.  
Conf. No. : 7622

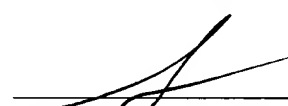
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith is a Supplemental Information Disclosure Statement for filing in connection with the above-captioned application.

- [X] The Commissioner is hereby authorized to charge any fee that may be due under 37 C.F.R. §§ 1.16-1.17 in connection with this paper or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

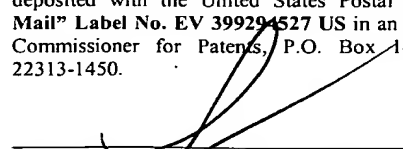
  
\_\_\_\_\_  
Stephanie L. Seidman  
Reg. No. 33,779**Address all correspondence to:**

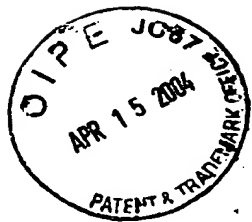
Stephanie L. Seidman  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-4777  
Facsimile: (202) 626-7796  
Email: seidman@fr.com

416ctra.sids.doc

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Services as "Express Mail" Label No. EV 399294527 US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

04/15/2004

  
\_\_\_\_\_  
Stephanie Seidman



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Since this Supplemental Information Disclosure Statement is filed before the receipt of a first Office Action on the merits, after filing a Request for Continued Examination for the above-captioned application, no filing fee is due. If it is determined that a fee is due, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1050.

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of information known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§ 1.97-1.98.

The Examiner's attention is directed to the reference Oberle *et al.* (*Biochimica et Biophysica Acta* (2004) 1676:223-230), accompanying the Supplemental Information Disclosure Statement filed March 26, 2004, in connection with the above-captioned application. Oberle *et al.* describes methods for delivering artificial chromosome expression systems (ACEs) to cells. Specifically, Oberle *et al.* demonstrates that when cells are treated with ultrasound energy and the cationic lipid SAINT-2 or DOTAP prior to contacting cells with ACEs, the ACEs are delivered into the cells. Oberle *et al.* states that incubation of ACEs with cationic lipids such as SAINT-2 and DOTAP to prepare ACEs/lipid complexes leads to partial unravelling of the ACEs with a loss of their condensed structure (*see* page 225, col. 1, para. 2). Oberle *et al.* does not provide any data to support this statement.

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Services as "Express Mail" Label No. EV 399294527 US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

04/15/2004

Stephanie Seidman

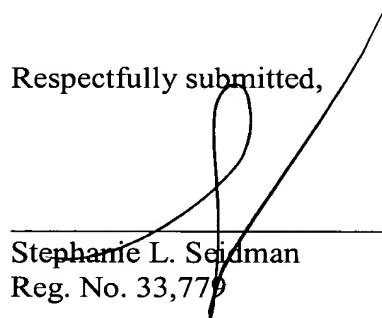
Applicant : De Jong *et al.*  
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Cust. No. : 20985  
Page : 2 of 2

Attorney's Docket No.: 24601-416B  
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The instant application describes complexation of ACEs with delivery agents such as cationic lipids to facilitate introduction of the ACEs into cells (*see, e.g.,* Examples 4-7). The instant application demonstrates that ACEs that are complexed with delivery agents such as cationic lipids can maintain their intact and condensed structure before and after delivery into the cells (*see, e.g.,* aforementioned Examples; *see also* de Jong *et al. Chromosome Res.* (2001) 9:475-485 and Vanderbyl *et al. Cytometry* (2001) 44:100-105, which are of record in this application).

Applicant respectfully requests that this reference be made of record in the file history of the above-captioned application.

Respectfully submitted,



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Stephanie L. Seidman  
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**Address all correspondence to:**

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